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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/013,084	12/10/2001	Mindaugas F. Dautartas	ACT-173 (1117-11)	1473

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EXAMINER

PETKOVSEK, DANIEL J

ART UNIT	PAPER NUMBER
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2874

DATE MAILED: 10/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/013,084

Applicant(s)

DAUTARTAS ET AL.

Examiner

Daniel J Petkovsek

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on December 10, 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10.11.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: Brian Healy

DETAILED ACTION

Information Disclosure Statement

1. The prior art documents submitted by Applicant in the Information Disclosure Statements filed on March 1, 2002, and May 21, 2002, have been considered and made of record (note attached copy of forms PTO-1449).

Drawings

2. New corrected drawings are required in this application because the informalities in the drawings, such as hand-written figures and references numerals. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the application for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5, 7-15, and 19-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Giboney et al. U.S.P. No. 6,318,909.

Giboney et al. U.S.P. No. 6,318,909 teaches (see Figs. 1A, 1F, 3A, 5, 6B; column 12, lines 25-47, column 13, lines 21-34, claim 1) an optical device package 20 (and inherent method of same) comprising: a substrate having a plurality of surfaces (including surface 31), optical fibers 71 mounted in alignment to the substrate, a frame 26

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mounted to the substrate having conductive pathways between its surfaces, and contact means 44 to electrically connect the frame for mounting to a platform. Regarding claims 1-5, 7-10, see figure 1A. Regarding claim 11, the frame has a ledge. Regarding claims 12-14, see lid 52 connected to frame 26. Regarding claim 15, the fiber abuts a stop surface. Regarding claims 19-22, alignment occurs as the lid 52 is mounted to frame 26 and substrate, aligning the optical fibers and the optical device, while the solder balls are be mounted to a board.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giboney et al. U.S.P. No. 6,318,909.

Giboney et al. U.S.P. No. 6,318,909 teaches (see Figs. 1A, 1F, 3A, 5, 6B; column 12, lines 25-47, column 13, lines 21-34, claim 1) an optical device package 20 (and inherent method of same) comprising: a substrate having a plurality of surfaces (including surface 31), optical fibers 71 mounted in alignment to the substrate, a frame 26 mounted to the substrate having conductive pathways between its surfaces, and contact means 44 to electrically connect the frame for mounting to a platform. Giboney et al. '909 does not explicitly teach the optical fiber disposed in a ferrule, certain band-like or U-shapes of the device package, or the frame being made from a sintered ceramic material.

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Regarding claim 6, it is well known in the art to use ferrules to encompass optical fiber to support and protect transmitted optical signals, and it would have been obvious at the time the invention was made to a person having ordinary skill in the art to use a ferrule to protect/support the optical fibers 71 in the device package 20. Regarding claims 16 and 17, the shapes, although not explicitly taught, are non-critical design limitations of the device packaging, as they do not overcome the functionality of the device of Giboney et al. '909, the fibers and optical devices are maintained protected by the substrate and frame. Regarding claim 18, although not explicitly taught, sintered ceramic is a well known material in the art to create frames for optical device modules, such as the module of Giboney et al. '909. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use a sintered ceramic material, or the like in the optical device packaging system.

Inventorship

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Conclusion

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8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure, with respect to the state of the art of optical device packaging modules using frames/housing/substrates:


U.S.P. No. 6,377,742 to Go (see ABS, Figure 7, etc.)


PTO-892 form references C-H.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J Petkovsek whose telephone number is (703) 305-6919. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (703) 308-4819. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 872-9321.


Daniel Petkovsek
October 21, 2003


Brian Healy
Primary Examiner